

03-14-03



RECEIVED  
MAR 20 2003  
TECH CENTER 1600/2500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/023,096

In re Application of:

Marian L. Kruzel

Title: TREATING COMPOSITIONS  
WITH LACTOFERRIN

§  
§  
§  
§  
§  
§  
§

Group Art Unit:

Examiner:

Attorney docket

No.: FDI004

SUPPLEMENTAL

PRELIMINARY AMENDMENT TO DECLARE AN INTERFERENCE

WITH U.S. 6,172,040

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

This will confirm a telephone conversation with Examiner Gary Kunz today, March 13, 2003. An inquiry was made as to the status of the application. In the conversation, Examiner Kunz questioned whether the support for "meat" was found in the specification. I replied that it did and reference is made to page 14, lines 7- 8 of the specification which states: "For example, the lactoferrin is particularly useful in inhibiting rancidity in meat, which is iron-dependent lipid per-oxidation." There is no question that the application above filed and the original application on which it is based had specific disclosure to "meat" and accordingly full basis for claim 1. It is understood that early in the next quarter this application will be acted on by the Examiner.

All the requirements of 37 CFR §1.607 having been met, an interference

between the present application and U.S. 6,172,040 is respectfully requested.

Respectfully submitted,

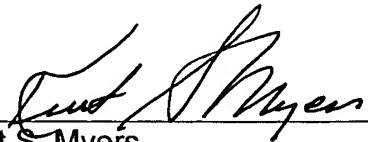


Kurt S. Myers  
Attorney for Applicant  
Reg. No. 20,244  
7634 Braesdale  
Houston, Texas 77071  
(713) 774-7152

\*\*\*\*\*

#### CERTIFICATE OF MAILING

I hereby certify that this SUPPLEMENTAL PRELIMINARY AMENDMENT TO DECLARE AN INTERFERENCE is being deposited with the U.S. Postal Service as Express Mail (EU 961513771 US) in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D. C. 20231 on March 13, 2003..



Kurt S. Myers